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RESOURCE LAW NOTES

Natural Resources Law Center • School of Law • University of Colorado at Boulder

Number 33

Winter Issue, January 1995

Larry MacDonnell departs after 11 years as Center Director

It is with great sadness that I acknowledge Larry MacDonnell's departure from the Natural Resources Law Center. Despite our best efforts to convince him to stay, Larry has decided to pursue his goals of shaping resource policy from the private sector. It is an understatement to say that we will miss him.

The Natural Resources Law Center is one of the best programs of this fine law school. Students are increasingly drawn to Boulder from around the country because of our efforts in natural resources. Scholars visit the Center from around the world. Lawyers, academics and policy makers from the highest levels of government attend NRLC conferences. The Center also conducts funded multi-disciplinary research of the very best quality on the resources programs of the West.

In short, the Natural Resources Law Center has become *the* focal point of the study of crucial policy issues concerning scarce western resources. And that is due, in major part, to the efforts, dedication and broad-ranging talents of Larry MacDonnell. His eleven year directorship has been a string of impressive successes and exceeded expectations. For me, Larry has been the Center. And like the Center itself, he has been a source of pride and inspiration. On behalf of the whole Law School community, I wish him Godspeed.

-Gene R. Nichol, Jr., Dean
University of Colorado School of Law

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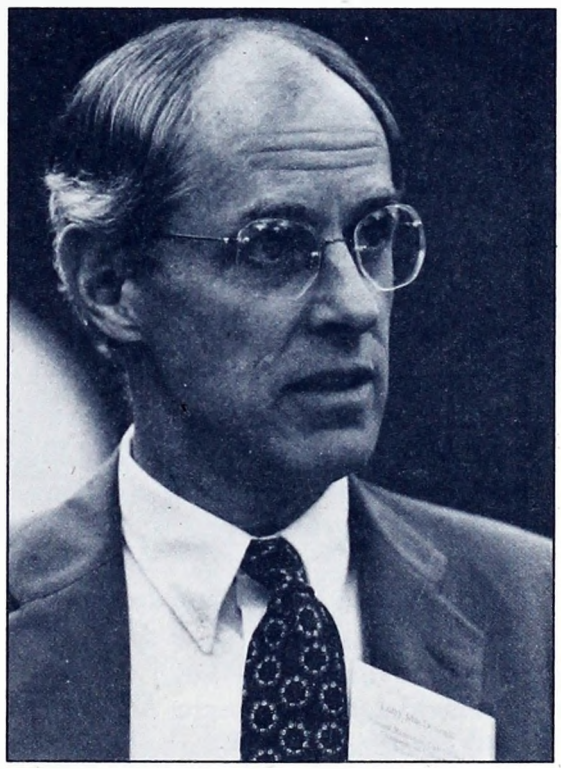


Retiring Center Director Larry MacDonnell addresses conference on Who Governs the Public Lands? September 1994. See page 3 for more conference pictures.

After 11 years of research, teaching, and administration at the Center, Larry MacDonnell is launching a nonprofit organization to work on issues of sustainability in the western states. Together with Bruce Driver, an attorney who has directed a project on integrated resource planning for electric utilities at the Land and Water Fund of the Rockies for the past three years, MacDonnell plans to promote more sustainable approaches to the use of natural resources in the American West. He hopes to work with the owners, developers, and managers of natural resources to develop plans and policies that will meet essential economic needs provided by natural resources while maintaining their equally essential ecological functions. The nonprofit will be based in Boulder.

To Larry

Please accept my sincere appreciation and thanks for turning a dream into a reality. Your great enthusiasm, superior knowledge, and warm personality will be greatly missed. May the rest of your life be as rewarding and productive as the last 10 years. Good luck!

Your friend,
Marvin Wolf
Wolf Energy Company

In my judgment, Larry, you are one of the most remarkable scholars, stimulators, administrators and leaders of our times. As you move to the exciting challenge of your new career, you must look back with pride at the unparalleled edifice you built during your eleven Director years at the Natural Resources Law Center — at the educational programs, natural resource research projects and publications you designed and implemented, at the pleasurable impacts of the distinguished visitor and visiting fellows program, and at the inspiration you have conveyed to many student classes in mining law and related subjects. We will miss you, Larry, in the Director role. We wish you continued success in your new adventure, but we hope to keep you as an advisor to and supporter of the Center for many years to come.

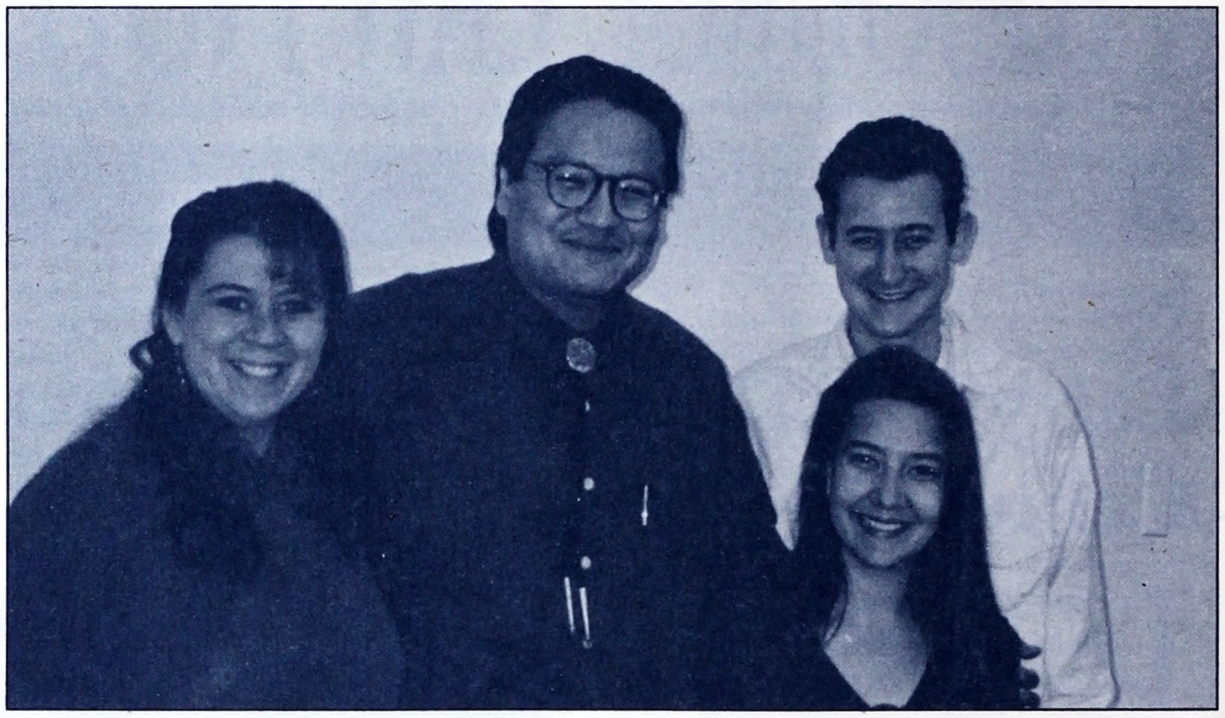
- Clyde Martz
Attorney, Davis, Graham & Stubbs

Holme Roberts & Owen Natural Resources Law Distinquished Visitor

Gerald Torres Speaks on Ecosystems, Environmental Justice

Gerald Torres, Counsel to Attorney General Janet Reno in the U.S. Justice Department, has primary responsibility on issues of environmental policy and law, and on Native American issues. Also the H.O. Head Centennial Professor of Real Property Law at the University of Texas School of Law, Torres is among the first legal scholars to address the disparate impact of environmental regulation on different racial, ethnic and socio-economic groups. He has also been directly involved in the debate over the management and legal protection of Native American Land.

As the ***Holme Roberts & Owen Natural Resources Law Distinquished Visitor*** *for 1994, he gave a public lecture, November 21, on new concerns in environmental management, including ecosystems and environmental justice. He also addressed Professor Charles Wilkinson's Native American law class, and had a breakfast with law students. Here is an abridged version of his remarks.*



***Gerald Torres** (center) with students from the Native American Law Students Association and the Environmental Law Society, **Shayleen Allen** (left), **Paul Weissman** and **Melinda Hardy**.*

When I reflected on the title of my remarks, it occurred to me that some of you might have gotten the notion that the topics are related and that my discussion today will, in fact, relate them. Maybe it will. Maybe it won't. We shall see. I'm going to talk about a number of things today and see if I can't weave them together to produce a fabric we can all recognize.

As a westerner, I can't help but think of conflict. Looking out the window as I fly west from Washington, D.C., I see conflict between the majesty of the landscape and the harshness of the landscape; between the capacity for sudden wealth that the resources of the landscape offer, and the hard, really hard work it takes to craft a simple life from the thin soil and uncertain rainfall. The conflict, of course, spawned the prior appropriation system, but it also spawned the neighborliness that is required to survive in a landscape like the one out here. There is also a conflict between those who came and those who were here.

Ecosystem management, an idea that is still evolving, is an underlying concept that binds a number of themes together, such as environmental justice, issues in Indian law including jurisdiction and religion, and management of federal lands. Before ecosystem management becomes something really solid, it will require a more fully specified legal architecture than presently exists. I do think, however, it is an idea whose time has come. Moreover, the efforts to produce a fully articulated expression of the concept into a management tool are happening in a legal culture that welcomes innovation even as it appears to struggle against innovation.

The Endangered Species Act is at the heart of the ecosystem management idea and, as many of you know, is one of the Acts that is a lightning rod for opposition to comprehensive regulation. I hope that continued public discussion of the ESA and other Acts, as well as the federal lands statutes, pulls out strands from all of them, ties them together, and helps us construct what I have termed the legal architecture required for ecosystem management.

Like ecosystem management, the environmental justice movement is evolving socially and legally. There are a lot of terms out there — environmental justice, environmental equality, environmental racism — which claim to speak of a specific phenomenon. That phenomenon, however, remains contested. To this extent it is similar to the evolution of the concept of ecosystem management.

The route environmental justice is taking requires us to think of urban ecosystems as containing streams of civil rights, public health, and municipal services law — all informed by the concept of equal protection. Moreover, the environmental justice movement is a corrective to the strictly applied economic analysis of regulations, because it further categorizes externalities in a way that has not been anticipated or addressed within the context of conventional regulation. The environmental justice movement merely asks us to consider where the burdens and benefits fall and to do so with a full awareness of the impact of any decision on the political, social, and physical health of the community.

In 1978 in Detroit, the Sierra Club, the Urban League, and Environmentalists for Full Employment, a group that I do not think exists any more, put together The Urban Environment Conference. It was a landmark conference in many ways, because it brought together the Sierra Club, who had not really thought about urban issues, and the Urban League, which had not really thought about environmental issues, and asked where the communion is for these two groups. It also combined the perspective of Environmentalists for Full Employment, a group concerned with the impact of

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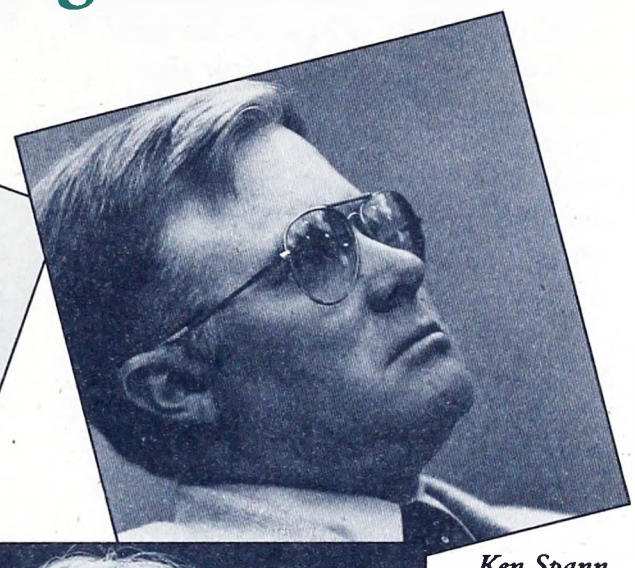
Second Annual Western Lands Conference, September 28-30, 1994, asks

Who Governs the Public Lands: Washington? The West? The Community?

*Keynote speaker, **Bob Armstrong**, Assistant Secretary for Land and Minerals Management, Washington, DC*

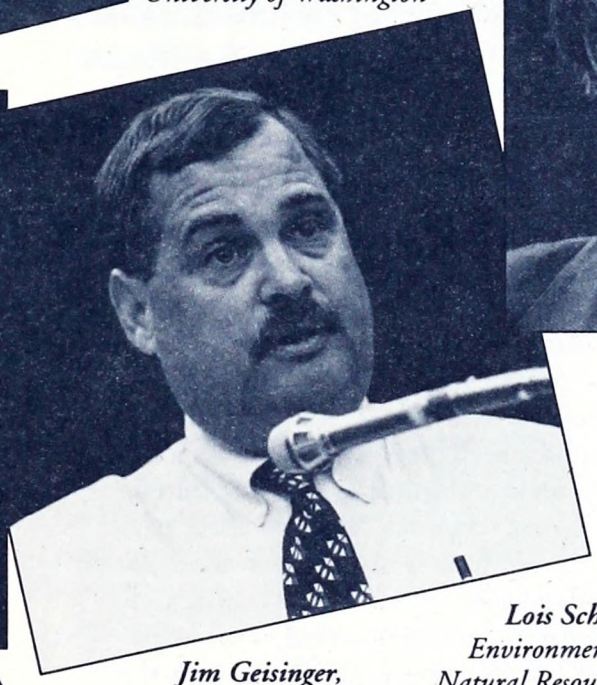
*Margaret **Shannon**, Institute for Resources and Society, University of Washington*



Ken Spann, Y Bar Ranch, Almont, Colorado

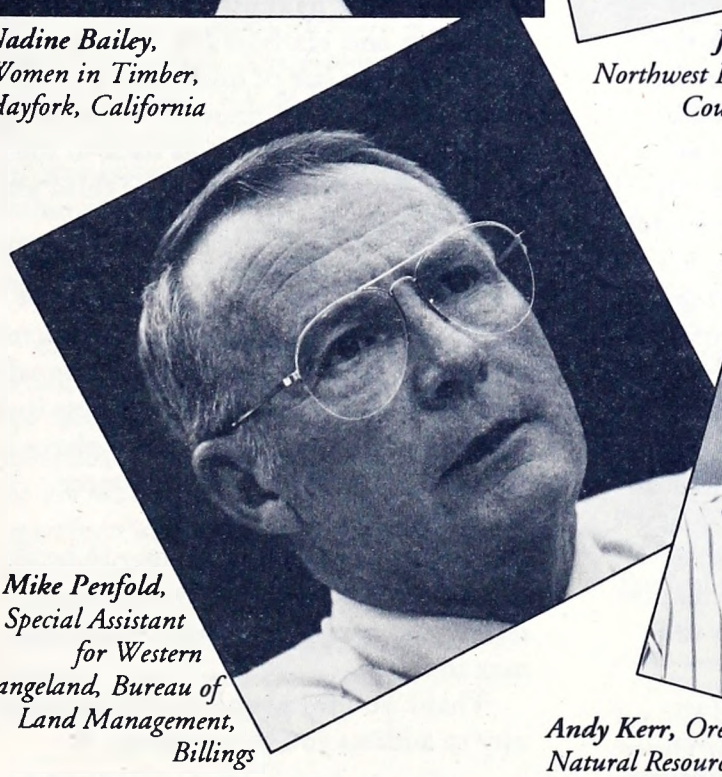
*Professor **Sally Fairfax**, College of Natural Resources, University of California, Berkeley,*

Nadine Bailey, Women in Timber, Hayfork, California

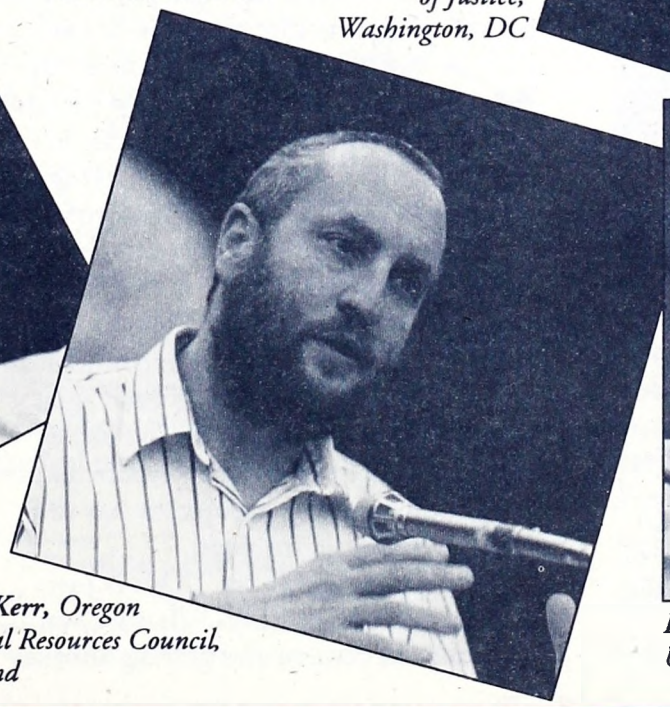


Jim Geisinger, Northwest Forest Resource Council, Portland

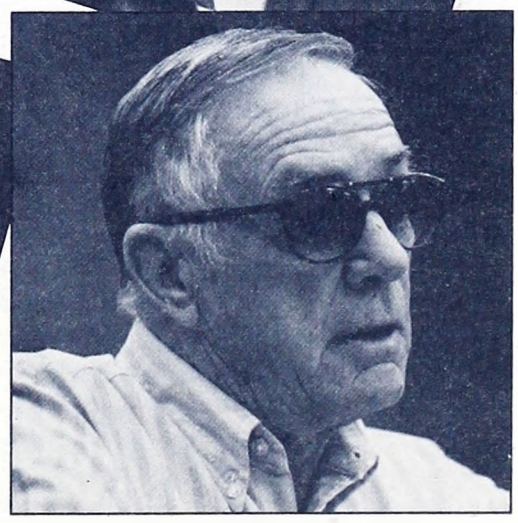
Lois Schiffer, Environment & Natural Resources Division, Department of Justice, Washington, DC



Mike Penfold, Special Assistant for Western Rangeland, Bureau of Land Management, Billings



Andy Kerr, Oregon Natural Resources Council, Portland



Frank Gregg, Professor Emeritus, University of Arizona, Tucson

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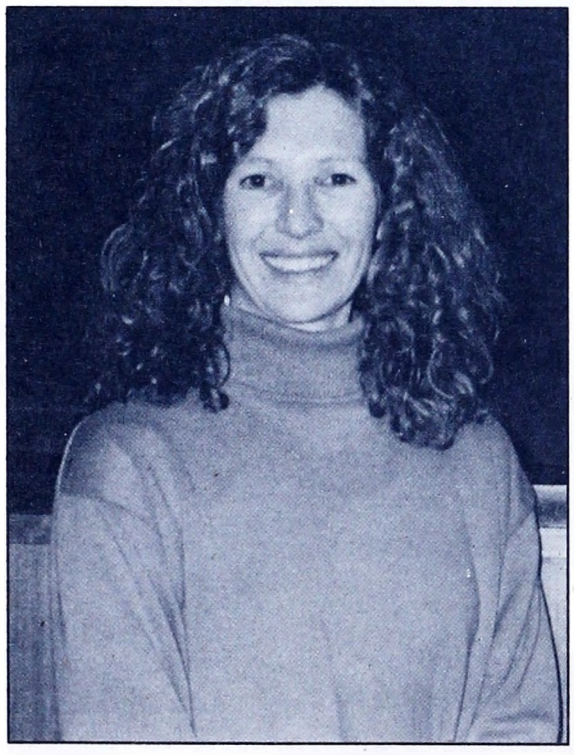
environmental policies on working people. At that conference environmentalists said, "Well, the contest between environmental quality and economic vitality is not necessarily a zero sum game." Similarly, the debate now rages over whether a zero sum game exists in the context of environmental justice. I believe we are confronting an old argument again in a different guise.

Simultaneously with this grass roots movement there was a movement in the courts, which really took two major tacks. The first is what I call the constitutional rights model, which made a very simple argument: that we observe identifiable communities being disadvantaged by being made to carry a greater environmental burden than other communities. That distribution of burdens offends the principle of equality found in the Constitution or in applicable civil rights statutes. The civil rights or constitutional discrimination model for attacking the environmental injustices that people were documenting was, however, largely unsuccessful, except in raising consciousness and organizing communities.



***Christine Klein**, formerly with the Natural Resources Section of the Colorado Attorney General's Office, is in residence as a Fellow at the Center for academic year 1994-95. She graduated from CU Law in 1987 and has most recently been a Harlan Fiske Stone Scholar at Columbia University School of Law, completing her LL.M. in 1994. She is studying the historical treatment of Hispanic and Indian treaty-based land claims, comparing the legal principles used to resolve such land claims. In addition, her study focuses on the current significance of such principles, as applied in recent litigation.*

The second major line of cases took the environmental regulatory approach. The challenges based on the environmental statutes tried to use existing environmental statutes to address the maldistribution of environmental burdens. These cases have had a mixed bag of successes and failures. They have attempted to build into the existing structure of environmental laws a concern for issues that were not there before. What I suggest is that the cases play an important role, not because they are constructing a legal analysis that will yield results, but because they build a framework within which the regulatory culture, the regulatory framework that gives birth to the underlying claims, can be changed. Transforming that framework is critical. That transformation of the legal culture is similar to what is occurring within the context of ecosystem management, as we search for the legal architecture for it that I mentioned before.

One of the ways the environmental justice movement *has* been successful, one of the signal events in its evolution, was the signing on February 11, 1994, of the Executive Order on Environmental Justice. The Executive Order is very simple, and its details lead me to my last point, that this transformation of the regulatory framework or regulatory culture within which decisions get made is a critical and important thing. It ultimately will result, if I am correct, in important changes in the way decisions get made and burdens get distributed.

The Executive Order has three basic purposes. One is to focus the attention of federal agencies on human health and environmental conditions in minority and low income communities with the goal of achieving environmental justice. Another is to foster nondiscrimination in federal programs that substantially affect human health and the environment. A third is to give minority and low income communities greater opportunities to participate in public decision making with greater access to public information on matters relating to human health and the environment.

An interagency working group is to work out and administer the commands of the Executive Order, and each agency is to produce an environmental justice strategy. It is the process of reconciliation within the working group that has the greatest potential for good.

Some people will say, "This is just another process remedy. What we want are concrete results, and getting another process remedy is insufficient." They point to the National Environmental Policy Act and say NEPA is just a process remedy; it does not guarantee any specific environmental results. They also point to the Supreme Court and say there has never been a substantive NEPA victory in the Supreme Court.

But NEPA has caused agencies to consider the environmental implications of their actions, even when they did not conceive of themselves as having an environmental mission. It also allows citizens to engage in the process and to hold agencies up to the procedural standards that NEPA implies. The very process of expanding the mandate of the agencies by NEPA has improved the environmental decision making of the agencies. What the Executive Order will do, especially once we get the coordination in place, is to accomplish a similar result, which is to put an environmental justice mandate into the general mandate of all the agencies that have an impact on the environment through their activities and decision making both directly and indirectly.

All of the issues I have addressed here are going to be woven into the concept of ecosystem management. The mix of laws that are bubbling right now on the Hill, in the agencies, and the courts and how they get resolved is going to be critical to the evolution of what I call pollution law — what some people call environmental and natural resource law — and will implicate all three pillars of American environmentalism.

The first pillar is pollution control and that is a modern industrial notion, although it has its roots certainly back in the Rivers and Harbors Act, at least for water, and the law of nuisance for land. The second pillar is resource management which, I think, has its roots back in the scientific conservation era. The third and really important pillar, which all us westerners can appreciate, is the protection of wild things — the protection of wild lands, of wild animals, and of sacred things in that wildness. Those of you who have studied it know that wilderness is an American idea. The idea of wild places is critical to our evaluation of resource regulation.

Those three pillars are going to be at the base of our thinking about how to resolve the next generation of environmental issues.

Thank you for giving me the opportunity to address you this evening. ◆

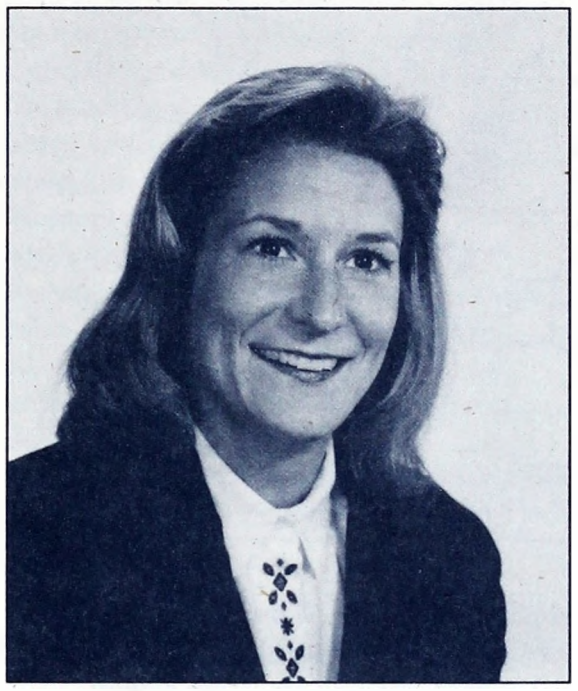
Comparison of Coalbed Methane Statutes in the Federal, Virginia and West Virginia Jurisdictions

by Elizabeth McClanahan[1]

Coalbed methane, coalseam gas, occluded natural gas, and gob gas are several names for a substance that was once viewed as a nuisance and a hazard to underground coal producers. Coalbed methane is now the object of the latest development in the energy industry. The increased production of coalbed methane and recognition of the gas as an increasingly important source of energy have generated a host of legal issues and have elicited response from Congress and state legislatures across the country. One of the most important legal issues surrounding the development of coalbed methane is the question of which estate owner actually has title to the coalbed methane. The problem arises when there is more than one owner of the coalbed methane and other minerals. Even if there is one fee owner, prior severance of certain mineral leasehold rights may also create conflicts between the coalbed methane operator and other mining operations.

As a result, Congress and the state legislatures have enacted statutes encouraging and regulating coalbed methane development during and until the legal ownership question is resolved. The following is a comparison of three of these coalbed methane development acts: The National Energy Policy Act of 1992 ("EPACT") (42 U.S.C.S. § 13368 (Law. Co-op. Supp. 1994)); the Virginia Gas and Oil Act (the "VA ACT") (Va. Code Ann. §§ 45.1-361.1 *et seq.* (Michie 1994)); and, the West Virginia Coalbed Methane Wells and Units Article of the Environmental Resources Act (the "WV ACT") (W. Va. Code §§ 22-21-1 *et seq.* (1994)). (The West Virginia statutes are not identified as the Environmental Resources Act. However, for purposes of reference it will be designated as an act.)

Editor's Note: Because of space constraints in Resource Law Notes, only certain sections of Ms. McClanahan's original article are reproduced. The sections comparing EPACT, the VA ACT, and the WV ACT provisions regarding Public Policy, Implementation, Definitions, Spacing, Drilling Permit, and Plugging have been omitted from this article. The original paper is available as a Natural Resources Law Center Occasional Paper (see publications list p. 10).



Elizabeth McClanahan

I. Applicability

EPACT, the VA ACT and the WV ACT statutes concerning coalbed methane gas were promulgated to facilitate coalbed methane development by creating workable solutions to the issues arising from competing or conflicting ownership claims. EPACT applies to lands in the "Affected States" where the United States owns the surface estate and/or the subsurface mineral estate and all lands in any "Affected States" that do not implement a statutory or regulatory program for coalbed methane development by April 19, 1996. As determined under EPACT, the "Affected States" are Illinois, Indiana, Kentucky, Ohio, Pennsylvania, Tennessee and West Virginia. 58 Fed. Reg. 21,589 (1993). The following states are permanently excluded from the list of "Affected States": Colorado, Montana, New Mexico, Wyoming, Utah, Virginia, Washington, Mississippi, Louisiana and Alabama. 42 U.S.C.S. § 13368(b)(4) (Law. Co-op. Supp. 1994). The VA ACT applies to all lands within the Commonwealth, whether publicly or privately owned. The WV ACT applies to all lands located therein under which a coalbed is located, including state owned or administered lands, and any coalbed methane well.

[1] Shareholder, Penn, Stuart, Eskridge & Jones law firm in Abingdon, Virginia. Ms. McClanahan was the El Paso Natural Gas Law Fellow at the Natural Resources Law Center, spring 1994.

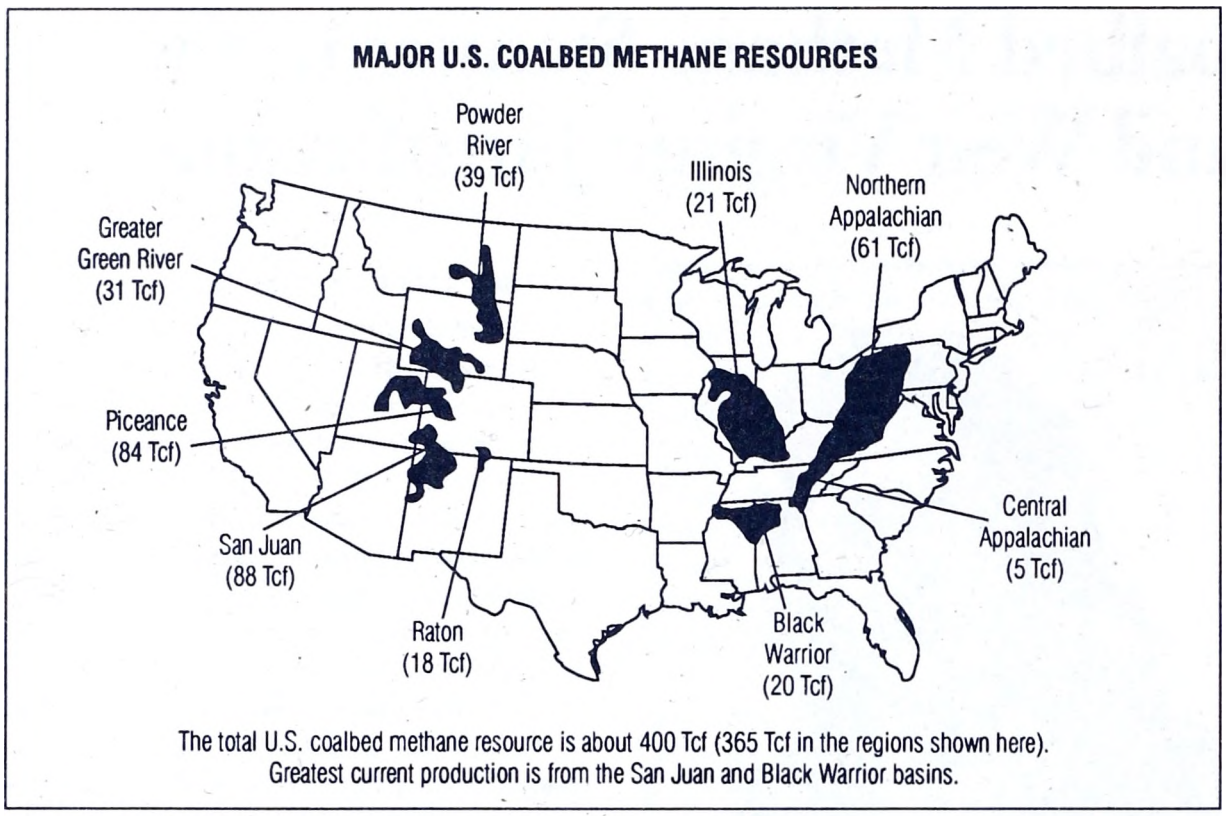
II. Consents to Stimulate

All three acts require that an applicant obtain a consent to stimulate a coal seam. The acts also provide exceptions and/or an alternate method for obtaining the consent.

Under EPACT, the well operator must have the written consent of each entity that, at the time of the permit application, is operating or has the right to operate a coal mine located within the vertical distances to be determined by the Secretary of the Interior (the "Interior Secretary") pursuant to 42 U.S.C.S. § 13368(j)(3) (Law. Co-op. Supp. 1994). EPACT recognizes the contractual rights between the coalbed methane operator and the coal operator pre-existing its effective date.

The VA ACT also requires that coalbed methane permit applicants obtain a signed consent from the coal operator of each coal seam which is located within 750 horizontal feet of the proposed well location that the applicant proposes to stimulate or is within 100 vertical feet above or below a coal bearing stratum that the applicant proposes to stimulate. The consent may be contained in a lease or other such agreement or instrument of title and constitutes a waiver of the requirement for filing an additional signed consent. The VA ACT recognizes the existence of contractual rights or obligations between the applicant and any coal operator arising out of a coalbed methane contract or lease entered into prior to January 1, 1990.

In the WV ACT, a coalbed methane well permit may not be issued until a consent and agreement is filed with the Chief of the Office of Oil and Gas of the Division of Environmental Protection (the "Chief") for each owner and operator of a workable coal seam twenty-eight inches (28") or more in thickness which is within 750 horizontal feet of the proposed well bore that the applicant proposes to stimulate or is within 100 vertical feet above or below a coal seam that the applicant proposes to stimulate. As in EPACT and the VA ACT, the WV ACT recognizes contractual rights or obligations arising out of a contract or lease between the applicant and any coal owner/operator. The existence of such contract or lease constitutes a waiver of the requirement to file an additional signed consent and agreement. The WV ACT, however, does not require the existence of a contract or lease prior to its enactment. The consent must state that



Graphic courtesy Gas Research Institute

the coal owner/operator has received a copy of the permit application. In addition, the coal owner/ operator must agree to the permit application's stimulation plan. EPACT and the VA ACT do not specify particular requirements.

EPACT and the WV ACT provide for an alternate method when a coal operator refuses to grant the consent. The VA ACT does not provide an alternate procedure for: (1) coal operators that refuse to grant a consent; (2) unknown coal owners or operators; or, (3) unlocatable coal owners or operators. Va. Code Ann. §§ 45.1-361.19 and -361.29(f) (Michie 1994). Under EPACT, the applicant requests that the Interior Secretary make a determination regarding coal seam stimulation. EPACT directs consideration of the following factors when granting an applicant's request for stimulation: (1) concurrence with applicable coal mine safety laws; (2) if denial was based on mine safety reasons, the Interior Secretary must seek appropriate state or federal agency views and recommendations; (3) inclusion of reasonable conditions to mitigate economic damage to the coal seam; and, (4) allow any interested party to participate in and comment on the proceedings. The decision approving or denying the stimulation method is subject to appeal.

The WV ACT's procedure is very similar to that of EPACT. An applicant submits a request for a Review Board hearing and files an affidavit. The WV ACT mandates two factors for the West Virginia Coalbed Methane Review Board's (the "Review Board") determination. First, the Review Board shall consider the coal seam stimulation along with other matters relating to the application. Finally, if denial was based on safety related reasons, the Chief shall submit the request and affidavit to the Review Board and a copy of the application to the Director of the Office of Miner's Health, Safety and Training. The Director reviews the application regarding mine safety issues and submits recommendations to the Review Board. The following conditions are placed on Review Board authorized stimulation: (1) any order issuing a permit in the absence of a consent must provide that the applicant furnish evidence of financial security; (2) the financial security must remain in force until two years after the coal is mined, thirty years after stimulation, or until final resolution of a timely action to collect the bond, whichever occurs first; and, (3) if coal seam stimulation is performed absent the consent of the coal owner or operator, the applicant and well operator are liable in tort without proof of negligence for any damage to the coal seam stimulated or any other workable coal seam within 750 horizontal feet or 100 vertical feet. Additional restrictions regarding liability for property damage and personal injuries are also applicable (see W. Va. Code § 22-21-13(d)(5), (e) (1994)).

III. Spacing or Drilling Units

EPACT, the VA ACT and the WV ACT provide for the establishment of drilling or spacing units, herinafter "drilling units" or "units." (All references to drilling units or units shall denote a coalbed methane unit, unless otherwise specified.) Under EPACT, anyone claiming a coalbed methane ownership interest within a proposed drilling unit may file an application to establish the unit. EPACT does not require a hearing prior to the establishment of a unit. Instead, the Interior Secretary has the discretionary power to establish a unit, 42 U.S.C.S. § 13368(f) (Law. Co-op. Supp. 1994). The drilling unit may be established under EPACT before notice is given to the interested parties. The first notice received by potential coalbed methane owners regarding a pending unit begins with the permitting and force pooling processes. The VA and WV ACTs do not follow this procedure.

Under the VA ACT, the Virginia Gas and Oil Board (the "Board"), on its own motion or pursuant to a gas or oil owner's application, may establish a drilling unit. In addition, any gas, oil, or royalty owner may apply to the Board for the establishment of field rules creating drilling units therein. (A royalty owner "means any owner of gas or oil in place, or owner of gas or oil rights, who is eligible to receive payment based on the production of gas or oil." Va. Code Ann. § 45.1-361.1 (Michie 1994). Field rules are "rules established by order of the Virginia Gas and Oil Board that define a pool, drilling units, production allowables, or other requirements for gas or oil operations within an identifiable area." *Id.*) Thus, the creation of a single drilling unit or field rules to establish drilling units is limited to a Board motion or an oil, gas or royalty owner's application. This limitation on the applicant creates problems in Virginia's drilling unit and pooling schemes. A coal owner can be a conflicting claimant, but cannot file an application to establish drilling units or field rules. Although a conflicting claimant is not defined by the VA ACT, the Board has treated conflicting claimants as those persons or entities claiming ownership of a common estate, the coalbed methane. Therefore, the coal owner and the oil and gas owner of a particular piece of property, if not the same party, may be conflicting claimants of the coalbed methane estate. In addition, the conflict may exist between mineral lessees, i.e. a coal lessee and an oil and gas lessee. The matter may be further complicated if there is also a coalbed methane lessee.

In contrast to EPACT, the VA ACT requires that all potential coalbed methane owners receive notice. It also requires a Board hearing prior to the establishment of a drilling unit or field rules. An applicant applying to establish drilling units shall provide certified mail return receipt notice to "each gas or oil owner, coal owner, or mineral owner having an interest underlying the tract which is the subject of the hearing." Va. Code Ann. § 45.1-361.19 (Michie 1994). In establishing a unit, the "Board

shall require that drilling units conform to the mine development plan, if any, and if requested by the coal operator, well spacing shall correspond with mine operations, including the drilling of multiple coalbed methane wells." Va. Code Ann. § 45.1-361.20(C) (Michie 1994). In addition, the Board must consider several factors, including, among others: (1) whether the proposed unit is an unreasonable or arbitrary exercise of the gas or oil owner's right to explore; (2) whether the proposal would unreasonably interfere with present or future coal or other mineral mining; (3) the acreage to be included in the order and within each drilling unit and the shape thereof; (4) the area within which wells may be drilled on each unit; and, (5) the allowable production of each well (see Va. Code Ann. § 45.1-361.20(B) (Michie 1994) and VR 480-05-22.2 § 21 (1991)). If a unit order allows a coalbed methane well to be drilled into or through a coal seam, a coal owner is allowed to make specific objections to the unit formation. If a coal owner objects, the Board makes its determination based on Va. Code Ann. §§ 45.1-361.11 and 361.12 (Michie 1994). After hearing the evidence, the Board may continue the hearing to allow further investigation or issue a temporary order establishing provisional drilling units and field boundaries until sufficient data is acquired to determine field boundaries and well spacing.

The WV ACT provides that an application for a drilling unit may accompany the well permit application. The application may also be filed as a supplement to the permit application. The WV ACT, like the VA ACT, requires that all potential coalbed methane owners receive notice and it requires a Review Board hearing prior to the establishment of a drilling unit. At least 30 days prior to a hearing on the drilling unit application, the applicant must deliver notice by personal service or by certified mail, return receipt requested, to: (1) each coal owner and coal seam operator for any tract, or portion thereof, within the proposed unit; (2) each record owner, lessee and operator of natural gas surrounding the well bore and existing in the shallowest formation of the one: (i) above the top of the uppermost member of the "Onondaga Group"; or, (ii) at a depth of less than 6,000 feet; (3) any other potential coalbed methane owner; and, (4) any other party known to the operator to have a coal or coalbed methane interest. The notice must include specific information (see W. Va. Code § 22-21-16(b) (1994)). Unlike EPACT and the VA ACT, however, the WV ACT's provisions for the establishment of a drilling unit and a pooling order appear to be a simultaneous process. (See also, the section titled "Pooling" comparing the pooling provisions of EPACT, the VA ACT and the WV ACT. Procedurally, a pooling order is entered when a drilling unit is established under the WV ACT.)

Another contrast is that the WV ACT requires that the Review Board hold a conference prior to the informal hearing. The conference includes all coalbed methane owners or claimants identified in the application that have not entered into a voluntary agreement. At the conference, all parties are given the opportunity to enter into voluntary agreements for unit development. The Review Board may not issue a unit order unless the applicant submits a verified statement setting forth the conference results. A drilling unit may be established separately from the pooling process; however, it appears that the unit must be a voluntary one.

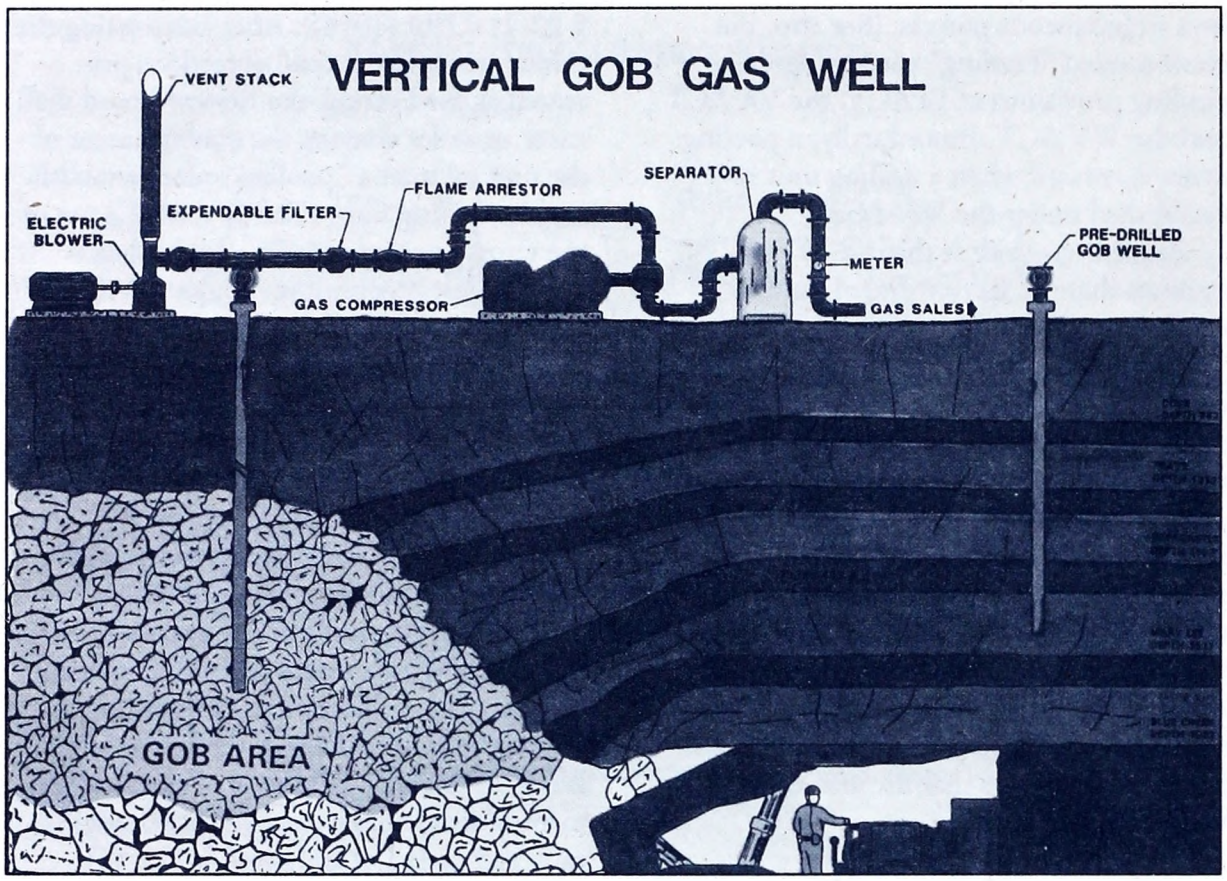
The increased production of coalbed methane and recognition of the gas as an increasingly important source of energy have generated a host of legal issues

Under the WV ACT, the request for a unit hearing may be made by the applicant or by a coal owner or operator. The Review Board must consider certain criteria regarding the establishment of drilling units, including, but not limited to: (1) the area which may be drained efficiently and economically by the proposed well(s); (2) the coal development plan, including the proper ventilation of mines or degasification of affected coal seams; (3) the nature and extent of each coalbed methane owner or claimant's interest and whether there are conflicting claims; (4) if applicant proposes to be the operator of the unit, whether it has a lease or agreement from the majority of the coalbed methane owners or claimants; and, (5) any other available geological or scientific data pertaining to the pool (see also W. Va. Code § 22-21-17(b) (1994)). After considering the evidence, comments and objections presented at the hearing, the Review Board shall enter an order denying the establishment of the unit or enter a "pooling order" establishing the drilling unit. (The WV ACT's use of the term "pooling order" to establish a drilling unit is confusing. Under EPACT and the VA ACT, the orders and procedures for the establishment of a drilling unit and the pooling of interests are separate and distinct.) The "pooling order:" (1) establishes the unit boundary; (2) authorizes the drilling, operation and production of coalbed methane well(s) from the pooled acreage; (3) establishes the minimum distances for any wells in the unit and for other wells which would drain the pooled acreage (This subsection is an apparent attempt to grant authority to the Review Board to establish field rules. The establishment of field rules is not, however, specifically authorized or addressed in the WV ACT or in EPACT.); (4) designates the well(s) and unit operator; (5) establishes a reasonable operator's fee for operating costs; and, (6) dictates such other findings and provisions as are appropriate. All well operations within a drilling unit for which a pooling order has been entered, are deemed to be operations on each separately owned tract, or portion thereof, within the unit.

Based upon a review of the WV ACT, it is difficult to determine whether the order entered pursuant to an application solely for the establishment of a drilling unit would also include the provisions of § 22-21-17(d), (e) of the WV ACT. The distinction between drilling units and the pooling of interests is not apparent in the WV ACT.

IV. Pooling

All three acts provide for the pooling of interests in a drilling unit ("pooling"). Only one condition for the issuance of a pooling order is specifically addressed by EPACT. The Interior Secretary may not approve the drilling of a coalbed methane well "[w]here conflicting interests exist, [unless] an order under subsection (g) establishing pooling requirements has been issued." 42 U.S.C.S. § 13368(m)(2) (Law. Co-op. Supp. 1994). EPACT is not, however, clear whether this is the only criteria for approval of a pooling application. According to the legislative history of this section, a pooling order may also be issued if the established unit consists of separately owned tracts or undivided interests in a tract. Legislative History of the 1992 National Energy Policy Act, Pub. L. No. 102-486, 1992 U.S.C.C.A.N. (106 Stat.) 2038. A drilling unit order must be issued before an applicant may file a pooling



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application. Any entity claiming a coalbed methane interest may file the application and the Interior Secretary then holds an application hearing. If the criteria of this section are met, the Interior Secretary issues an order pooling the drilling unit acreage for coalbed methane production. Prior to the issuance of a unit pooling order, all parties claiming a coalbed methane ownership interest must receive notice and have an opportunity to appear at the hearing.

The EPACT pooling order designates the unit operator and provides that each coalbed methane owner/claimant make an election: (1) to sell or lease its ownership interest to the unit operator at a rate determined by the Interior Secretary; (2) to become a "participating working interest owner" and bear a share of the risks and costs of drilling, completing, equipping, gathering, operating, plugging and abandoning the well, and receive a share of production from the well; or, (3) to share in the operation of the well as a "nonparticipating working interest owner" and relinquish its working interest until the proceeds allocable to its share equal 300 percent of the share of such costs. Any coalbed methane claimant not making an election is deemed to have constructively leased its interest to the unit operator. The order establishes the lease terms and an escrow account for the payment of conflicting claimants' proceeds. If there is a unanimous voluntary agreement regarding drilling and unit operation, a pooling order is not issued.

Pooling applications, under the VA ACT, are administered by the Board. Unlike EPACT, and as in the WV ACT, the VA ACT furnishes the Board with specific guidelines for issuing pooling orders. An order pooling all interests in a drilling unit shall be entered when any of the following conditions apply: (1) two or more separately owned tracts are embraced in a drilling unit; (2) there are separately owned interests in all or part of any drilling unit and those having interests have not agreed to pool their interests; or, (3) there are separately owned tracts embraced within the minimum statewide spacing requirements prescribed in Va. Code Ann. § 45.1-361.17 (Michie 1994). If a pooling application involves a coalbed methane unit with conflicting claims to coalbed methane ownership, the Board shall enter an order pooling all conflicting interests. No pooling order shall be entered until the notice and hearing requirements of the VA ACT are satisfied. The notice requirements for pooling are the same as those for drilling units. As in the other acts, pooling orders issued under the VA ACT must include certain provisions (see Va. Code Ann. § 45.1-361.21 (Michie 1994)). In addition to these general pooling provisions, when there are conflicting claims, additional conditions must be met (see Va. Code Ann. § 45.1-361.22 (Michie 1994)). The designated operator in a coalbed methane pooling order must have the right to conduct operations on, or have the owners' written consent for, at least twenty-five percent of the unit acreage.

After a VA ACT pooling order is issued, a coalbed methane owner/claimant either consents to be a participating operator or is afforded certain elections. The order must prescribe the conditions under which an owner becomes a participating operator. A participating operator shares in all reasonable operating costs, including a supervision fee. Each participating operator pays the percentage of such costs as its acreage bears to the total unit acreage. The order must establish a procedure for "a gas or oil owner . . . who does not decide to become a participating operator may either (i) sell or lease his gas or oil ownership to a participating operator, (ii) enter into a voluntary agreement to share in the operation of the well at a rate of payment to be mutually agreed to . . . or (iii) share in the operation of the well as a nonparticipating operator on a carried basis . . . ." Va. Code Ann. § 45.1-361.21(C)(7) (Michie 1994).

The following coalbed methane well or unit provision of the VA ACT presents an interesting issue: "Any party not making an election under the pooling order is deemed, subject to a final legal determination of ownership, to have leased its gas or oil interest to the coalbed methane gas well operator as provided in the order." Va. Code Ann. § 45.1-361.22 (Michie 1994). Note that the VA ACT does not include a coal owner in this statute. In practice, however, the Board has deemed conflicting claimant coal owners to be leased pursuant to the Board's pooling order.

Another interesting issue raised by the VA ACT is its treatment of the parties that have the right to file pooling applications. "When there are conflicting claims . . . upon application from *any claimant*, [the Board] shall enter an order pooling all interests . . . (emphasis added)." Va. Code Ann. § 45.1-361.22(A) (Michie 1994). Although "claimant" is not defined in the VA ACT, it appears that a coal owner, as a coalbed methane claimant, could file a pooling application under § 45.1-361.22(A). The statute is, however, ambiguous and perhaps inconsistent. In the next subsection, the statute states, "[s]imultaneously with the filing of such application, the *gas or oil owner applying* for the order (emphasis added) . . . ." Va. Code Ann. § 45.1-361.22(A)(1) (Michie 1994). This subsection would appear to limit application filings to gas or oil owners. The statute regarding the establishment of a unit makes it clear, however, that the coal owner may not file a unit application. "[T]he Board on its own motion or upon application of the *gas or oil owner* shall have the power to establish or modify drilling units (emphasis added)." Va. Code Ann. § 45.1-361.20(A) (Michie 1994). The pooling statute for units without

conflicting claims states: "[t]he Board, upon application from any *gas or oil owner*, shall enter an order pooling all interests in a drilling unit (emphasis added) . . . ." Va. Code Ann. § 45.1-361.21(A) (Michie 1994). Thus, a coal owner may not file an application to pool interests in a unit where conflicting claims do not exist. These idiosyncracies and inconsistencies in the drilling unit and pooling schemes appear to stem from the inclusion of coalbed methane in the 1990 revisions to the VA ACT. Until the 1990 revisions, the VA ACT had only addressed conventional oil and gas production and regulation. Prior to 1990, coalbed methane was not defined in the VA ACT, nor included in the statutes relating to pooling and the formation of drilling units. Va. Code Ann. §§ 45-286 *et seq.* (Michie 1986, Supp. 1988 & 1989); Va. Code Ann. §§ 45.1-361.1 *et seq.* (Michie Supp. 1990); 1990 Va. Acts 150.

V. Escrow

The establishment of escrow accounts for competing ownership claims is mandated by each act. Under EPACT, to safeguard the conflicting claimants' monetary interests, each pooling order must establish an escrow account for the conflicting interests' costs and proceeds. Pursuant to the pooling order, each participating working interest owner ("PWIO"), except the unit operator, deposits its proportionate share of the costs. The unit operator deposits all conflicting interests' proceeds, plus all proceeds in excess of ongoing operational expenses attributable to the conflicting interests. The funds are kept in the escrow account until legal title is determined. Upon resolution of the competing claims, the Interior Secretary distributes the principal and accrued interest from the escrow account to the rightful owner(s).

In the VA ACT, as in EPACT, each pooling order establishes an escrow account to protect the conflicting claimants. The structure of the escrow account is the same as EPACT. Under the VA ACT, however, the unit operator deposits only one-eighth of the proceeds attributable to the conflicting interests plus all proceeds in excess of ongoing operational expenses as provided in § 45.1-361.21 and the Board's order. As in EPACT, once a legal determination is made, or upon agreement of all claimants, the Board distributes the principal and accrued interest from the escrow account to the legally entitled owner(s). Unlike EPACT, however, the Board must issue an order to that effect within 30 days of receipt of notice of legal determination or agreement.

As in the other acts, the WV ACT provides that pooling orders establish an escrow account for depositing the conflicting claimants' costs and proceeds. Under the WV ACT, each PWIO, except for the operator, deposits its proportionate share of costs. The WV ACT, like EPACT, directs that all proceeds attributable to the conflicting coalbed methane interests whether leased, or deemed to be leased, are deposited into the escrow account. In addition, all proceeds in excess of ongoing operational expenses, allowed by the pooling order, attributable to the conflicting interests are also deposited. The WV ACT, like the VA ACT, requires that once coalbed methane ownership is judicially or voluntarily determined, the Review Board issues a revised division order distributing all amounts from the escrow account.

As is true with most legislation and regulation, a few years of operation and application always uncover some inconsistencies and burdens not contemplated at the time of drafting.

VI. Conclusion

This comparison demonstrates that the basic premises for EPACT were borrowed from the VA ACT. The legislators of the WV ACT then based it upon the VA ACT and EPACT requirements. As is true with most legislation and regulation, a few years of operation and application always uncover some inconsistencies and burdens not contemplated at the time of drafting. The VA ACT and the regulations promulgated thereto are no exception. On June 21, 1994, Virginia's Governor George Allen issued Executive Order Number Fifteen which provides that state agencies must conduct "a comprehensive review of all existing regulations, to be completed by January 1, 1997. . . . as to whether each existing regulation should be terminated, amended or retained in its current form." Exec. Order No. 15, 10 Va. Reg. 5457 (July 11, 1994). Each agency must also develop a procedure for ongoing reviews of its regulations, including evaluation and determination of the regulations' effectiveness. *Id.* The review schedule set forth by Order Number Fifteen provides that agencies reviewing more than ten (10) regulations "must complete their reviews and assessments for at least one-half of their regulations by July 1, 1995, and must complete their reviews of the remaining regulations by July 1, 1996. Final approval by the Secretaries of all agency reviews shall be completed by January 1, 1996, for reviews due by July 1, 1995, and by January 1, 1997, for all remaining reviews." *Id.* at 5458. Virginia's Executive Order Number Fifteen may provide the appropriate opportunity and timely impetus to analyze not only the regulatory issues, but the statutory issues raised herein.

Virginia's pooling statutes are not clear on what elections should be given to a lessee; specifically, the statute does not appear to provide for an election to assign or farmout the lessee's leasehold interest. This also raises an issue regarding the amount to be escrowed. The one-eighth (1/8) amount contemplated by statute appears to be applicable to an unleased interest only. If a leased royalty interest is different, i.e. one-sixth (1/6), the statutes do not appear to be applicable. Other inconsistencies include issues involving conflicting claimants and parties entitled to relief under the VA ACT. As previously discussed, a coal owner may apparently pool an established unit if conflicting claims exist. This same coal owner, however, may not establish a unit. Additionally, the coal owner may not pool a unit where conflicting claims do not exist.

Since the VA ACT was the basis for EPACT and the WV ACT, it is important that these kinds of issues that have proven to be problematic in Virginia be addressed by the legislatures and regulatory agencies in the other "Affected States" (Illinois, Indiana, Kentucky, Ohio, Pennsylvania and Tennessee) prior to EPACT's deadline for implementation, April 19, 1996. The "Affected States" list published on April 19, 1993, in the Federal Register provided that "[i]f these [Affected] States have not removed themselves from this list within 3 years from the date of publication of this notice, then they will be covered by Federal regulations implementing the Act." 58 Fed. Reg. 21,589 (1993).

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Annual Workshop with Boulder County Bar

"Growth Management: Tactics and Tools," this year's joint program sponsored by the Natural Resources Section of the Boulder County Bar Association and the Natural Resources Law Center, will be held March 3 at the CU Law School.

Often the burden of new development falls on local government, whose regulatory tools include the use of zoning powers, incentive-based approaches, and special designations of areas as "historical districts," "land preservation units," or "wetlands."

Objections have been raised to some of these tools, including concerns about private property rights. **Governor Romer** has been invited to talk about his nine-point plan for managing growth in Colorado, and a separate panel following the Governor will examine the state's role in greater depth.

Other speakers include Attorney General **Gale Norton** (invited); former State Representative **Ruth Wright**; Weld County Planning Director **Chuck Cunliffe**; Denver attorney **Skip Spensely**; State Representative **Ken Gordon**; Boulder County Attorney **Larry Hoyt**; **Blaise Rastello** from Routt County; and **Andy Hammano**, attorney with The Nature Conservancy in Boulder.

Brochures for both Hot Topics and BCBA will be mailed locally. If you don't receive the mailing, please call for information.

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References

Stephen D. Ban, Gas Research Institute, *Executive Research Letter*, February 1993.

Jeff L. Lewin *et al.*, *Unlocking the Fire: A Proposal for Judicial or Legislative Determination of the Ownership of Coalbed Methane*, 94 W. Va. L. Rev. 563 (1992), condensed article presented to the Appalachian Coalbed Methane Ass'n (May 1992).

John S. Lowe, *Joint Ownership of Oil and Gas Rights*, OIL AND GAS LAW IN A NUTSHELL, (2d ed. 1988).

Elizabeth A. McClanahan, *Competing Ownership Claims and Environmental Concerns in Coalbed Methane Gas Development in the Appalachian Basin*, 7 KY. J. MIN. L. & POL'Y 189 (1991-92).

Barry McKay, CPL, *Legislative and Regulatory Update*, THE LANDMAN, (Sept.-Oct. 1994), at 37.

Phillip E. Norvell, *Competing Uses of Coal & Oil & Gas Estates in Coalbed Methane Development*, Third Annual Coalbed Methane Special Institute, E. Min. L. Found., at 1 (Nov. 1990).

Legislative History of the 1992 National Energy Policy Act, Pub. L. No. 102-486, 1992 U.S.C.C.A.N. (106 Stat.) 2038.

58 Fed. Reg. 21,589 (1993).

42 U.S.C.S. § 13368 (Law. Co-op. Supp. 1994).

Va. Code Ann. §§ 45.1-361.1 *et seq.* (Michie 1994).

Exec. Order No. 15, 10 Va. Reg. 5457 (July 11, 1994).

W. Va. Code §§ 22-21-1 *et seq.* (1994). ◆

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